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13 Attorneys for Plaintiff,
14 Jill Rogers

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 Jill Rogers,

19 Plaintiff,

20 vs.

21 USCB, Inc.; and DOES 1-10, inclusive,

22 Defendants.
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BY _____

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

2010 JUN 18 PM 2:46

FILED

CV10 4518 DDP SSx
Case No.:

COMPLAINT FOR DAMAGES
1. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET. SEQ;
2. VIOLATION OF FAIR DEBT
COLLECTION PRATICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.

JURY TRIAL DEMANDED

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For this Complaint, the Plaintiff, Jill Rogers, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants’ repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”), and the invasions of Plaintiff’s personal privacy by the Defendants and its agents in their illegal efforts to collect a consumer debt.

2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business here and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

4. The Plaintiff, Jill Rogers (hereafter “Plaintiff”), is an adult individual residing in Sacramento, California, and is a “consumer” as the term is defined by 15 U.S.C. § 1692a(3).

5. The Defendant, USCB, Inc. (hereafter “USBC”), is a California company with an address of 3333 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90010, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

1 6. Does 1-10 (the “Collectors”) are individual collectors employed by
2 USCB and whose identities are currently unknown to the Plaintiff. One or more of
3 the Collectors may be joined as parties once their identities are disclosed through
4 discovery.
5

6 7. USCB at all times acted by and through one or more of the Collectors.
7

8 ALLEGATIONS APPLICABLE TO ALL COUNTS

9 **A. The Debt**

10
11 8. The Plaintiff incurred a financial obligation in the approximate amount of
12 \$2,000.00 (the “Debt”) to a hospital (the “Creditor”).
13

14 9. The Debt arose from services provided by the Creditor which were
15 primarily for family, personal or household purposes and which meets the definition
16 of a “debt” under 15 U.S.C. § 1692a(5).
17

18 10. The Debt was purchased, assigned or transferred to USCB for collection,
19 or USCB was employed by the Creditor to collect the Debt.
20

21 11. The Defendants attempted to collect the Debt and, as such, engaged in
22 “communications” as defined in 15 U.S.C. § 1692a(2).
23

24 **B. USCB Engages in Harassment and Abusive Tactics**

25
26 12. USCB called the Plaintiff numerous times per week in attempts to collect
27 the Debt.
28

1 13. On numerous occasions, USCB disconnects the call as soon as the
2 Plaintiff answers.

3
4 14. USCB is rude and abusive when speaking to the Plaintiff.

5 15. USCB is adding interest and fees in violation of the Debt agreement.
6

7 **C. Plaintiff Suffered Actual Damages**

8
9 16. The Plaintiff has suffered and continues to suffer actual damages as a
10 result of the Defendants' unlawful conduct.

11 17. As a direct consequence of the Defendants' acts, practices and conduct,
12 the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety,
13 emotional distress, fear, frustration and embarrassment.
14

15 18. The Defendants' conduct was so outrageous in character, and so extreme
16 in degree, as to go beyond all possible bounds of decency, and to be regarded as
17 atrocious, and utterly intolerable in a civilized community.
18

19
20 **COUNT I**
21 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
22 **15 U.S.C. § 1692, et seq.**

23 19. The Plaintiff incorporates by reference all of the above paragraphs of this
24 Complaint as though fully stated herein.

25 20. The Defendants used profane and abusive language when speaking with
26 the consumer, in violation of 15 U.S.C. § 1692d(2).
27
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1 21. The Defendants caused a phone to ring repeatedly and engaged the
2 Plaintiff in telephone conversations, with the intent to annoy and harass, in violation
3 of 15 U.S.C. § 1692d(5).

5 22. The Defendants misrepresented the character, amount and legal status of
6 the debt, in violation of 15 U.S.C. § 1692e(2).

8 23. The Defendants employed false and deceptive means to collect a debt, in
9 violation of 15 U.S.C. § 1692e(10).

10 24. The foregoing acts and omissions of the Defendants constitute numerous
11 and multiple violations of the FDCPA, including every one of the above-cited
12 provisions.

14 25. The Plaintiff is entitled to damages as a result of the Defendants'
15 violations.

17
18 **COUNT II**
19 **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**
20 **PRACTICES ACT, Cal. Civ. Code § 1788 et seq.**

21 26. The Plaintiff incorporates by reference all of the above paragraphs of this
22 Complaint as though fully stated herein.

23 27. The Rosenthal Fair Debt Collection Practices Act, California Civil Code
24 section 1788 et seq. ("Rosenthal Act") prohibits unfair and deceptive acts and
25 practices in the collection of consumer debts.
26

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1 28. USCB, in the regular course of business, engages in debt collection and is
2 a “debt collector” as defined by Cal. Civ. Code § 1788.2(c).

3
4 29. The Defendants used obscene and profane language when speaking with
5 the Plaintiff, in violation of Cal. Civ. Code § 1788.11(a).

6
7 30. The Defendants caused a telephone to ring repeatedly and engaged the
8 Plaintiff in continuous conversations with an intent to annoy the Plaintiff, in violation
9 of Cal. Civ. Code § 1788.11(d).

10
11 31. The Defendants communicated with the Plaintiff with such frequency as
12 to be considered harassment, in violation of Cal. Civ. Code § 1788.11(e).

13
14 32. The Defendants failed to comply with the provisions of 15 U.S.C. §
15 1692, et seq., in violation of Cal. Civ. Code § 1788.13(e).

16
17 33. The Defendants falsely represented that the Plaintiff’s debt would be
18 increased by the addition of attorney’s fees, investigation fees, service fees, finance
19 charges or other charges, when the charges could not be legally added to the debt, in
20 violation of Cal. Civ. Code § 1788.13(e).

21
22 34. The Defendants did not comply with the provisions of Title 15, Section
23 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.

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25 35. The Plaintiff is entitled to damages as a result of the Defendants’
26 violations.

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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the

Defendants:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendants;
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against the Defendants;
- C. Costs of litigation and reasonable attorney’s fees pursuant to 15 U.S.C. § 1692k(a)(3) against the Defendants;
- D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
- E. Statutory damages of \$1,000.00 per violation for knowingly and willfully committing violations pursuant to Cal. Civ. Code § 1788.30(b);
- F. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
- G. Actual damages from the Defendants for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent invasions of privacy in an amount to be determined at trial for the Plaintiff;
- H. Punitive damages; and

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I. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: June 18, 2010

LARA SHAPIRO

By: /s/ Lara R. Shapiro
Lara R. Shapiro

Attorney for Plaintiff
Jill Rogers

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV10- 4518 DDP (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Lara R. Shapiro
4145 Via Marina #324
Marina del Rey, CA 90292
Telephone: (310) 577-0870
Facsimile: (424) 228-5351

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jill Rogers,

PLAINTIFF(S)

v.

USCB, Inc.; and DOES 1-10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV10 4518 DDP SSx

SUMMONS

TO: DEFENDANT(S): USCB, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Lara Shapiro, whose address is 4145 Via Marina #324, Marina del Rey, CA 90292. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUN 18 2010

By: _____
Deputy Clerk

(Seal of the Court)

CHRISTOPHER POWERS

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Sacramento	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Los Angeles

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Sacramento	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): /s/ Lara Shapiro Date 06/18/2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself) Jill Rogers, DEFENDANTS USCB, Inc.; and DOES 1-10, inclusive,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Lara Shapiro, 4145 Via Marina #324, Marina del Rey, CA 90292 3105770870 Lemberg & Associates, 1100 Summer St 3rd Fl Stamford CT 06905 2036532250 Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

IV. ORIGIN (Place an X in one box only.) 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ 25,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. 1692 - Violations of the Fair Debt Collection Practices Act

VII. NATURE OF SUIT (Place an X in one box only.)

Table with 6 columns: OTHER STATUTES, CONTRACT, REAL PROPERTY, TORTS, PERSONAL INJURY, TORTS, PERSONAL PROPERTY, BANKRUPTCY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS. Includes various legal categories like 400 State Reapportionment, 110 Insurance, 310 Airplane, etc.

CV10 4518

FOR OFFICE USE ONLY: Case Number: AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.